

MEMORANDUM

TO: San Diego Land Use & Housing Committee (LUHC) Members

FROM: Robert Ottolie, on behalf of Paul Ross

DATE: September 14, 2011

SUBJECT: Protecting San Diego's 30 Foot Coastal Height Limit

Thank you for the opportunity to share input on my client's efforts to preserve the voter adopted ordinance establishing San Diego's 30 foot coastal height ordinance. It has been 43 years, but protecting our coast for future generations remains as important today as it was in 1972.

At Council this summer, I promised that if this matter returned to LUHC, my client would organize a presentation to the Committee about legal and policy issues. Late Friday afternoon we were advised that this issue would be addressed at today's meeting. Given this very short notice, several of our presenters (Mike Turk on solar issues; Planning Commissioner Tim Golba on architectural issues) are probably going to be unavailable for the meeting. This memo will, therefore, focus principally on the legal barriers to the proposed amendment.

As you may have now been advised, the Council action in August did not result in the adoption of this particular amendment to the Land Development Code. Councilmember Lightner's motion, seconded by Councilmember Young, excluded this change. Mr. Ross continues to urge you not to advance this issue to the full Council; and instead, follow the law and take it to the voters if there is a need to clarify or modify the existing ordinance enacted by the voters.

Legislative Background

Mr. Ross has had an opportunity to review the Code in some detail going back to the late 1960s. He has reviewed all of the residential and commercial zone descriptions, and the chapter that was in place in 1972 on height measurement method and neighborhood height limitation districts. He also obtained old maps that show the old zones for most of Pacific Beach. Prior to November of 1972, when Proposition D was passed by the voters, most of the coastal communities were zoned *by community*. For instance, Pacific Beach had a 50 foot height limit. Mission Beach had a 35 foot height limit. All of the coastal zones had height limits that exceeded 30 feet.

Proposition D was enacted out of concerns we were walling off the ocean. The choice of 30 feet and the particular method of measurement appears to have been most likely selected as a perceived acceptable height to the voters, while also allowing 3-story structures. Because of foundations, roofs, and building diaphragms, it is almost impossible to construct a 3-story building with anything less than 30 feet within which to work.

The drafters of Proposition D, and the voters who adopted it, chose a method of measurement that *differed* from that which had been in place in the City of San Diego. It reflects a conscious decision by the drafters and voters to reject the method of measurement enacted by the City Council.

The City of San Diego did not (prior to the passage of Proposition D) use the method of measurement described in the 1970 Uniform Building Code (UBC). Instead, the City of San Diego provided methods of measurement in their zoning ordinances. Height was generally measured from the average base at the ground level (not the highest or lowest point), and the midpoint of the roof (often allowing several feet of structure above the designated height). The method of measurement then utilized in San Diego also ignored structures that extended above the roof, such as antennas and chimneys.

The drafters of Proposition D, and the voters who passed it, called for a different method of measurement. It is the measurement described in Proposition D, third paragraph, utilizing the 1970 UBC. This particular choice, lowered the overall height of structures that would have been allowed under City Code; it also guaranteed the property owners could get three stories built on their lots within the 30 foot limit.

Proposition D was a voter revolt. It reflected a widely shared distrust of allowing the Council to set *either* height limits or the method of measuring that height.

Proposition D Passes in November 1972

Enclosed is a copy of San Diego's 1972 Proposition D [Exhibit 1]. Note that the initiative adopted an ordinance.¹

To make certain that the initiative ordinance, and not some later amendment by the Council, would control *the method of measuring height* in the coastal zones, the voters adopted the following language:

“The base of measurement of the height **shall** be in accordance with the Uniform Building Code of 1970.” [Emphasis added.]

To make clear that the voters were not authorizing any later Council amendment to the ordinance's provisions, the voters further provided:

“Notwithstanding any section to the contrary, there shall be no exceptions to provisions of this Ordinance.”

¹ A review of your Municipal Code will show that Proposition D no longer remains in the Code utilizing the exact language that was adopted by the voters. There have been some minor changes that leave out some important words. This should be corrected as there can be no amendments to that ordinance without voter approval. There have been modifications by the voters, but there are also changes to the ordinance that now appear in the Municipal Code that were not adopted by the voters.

The Adoption of Proposition D in 1972 Invalidated All of the Coastal Zoning Laws

Lodged as Exhibit 2 is a map showing the coastal zones covered by Proposition D. It essentially covers everything west of I-5 in the City of San Diego, excluding San Diego's Downtown.

Prior to the adoption of the ordinance contained within the Proposition D initiative, all of these coastal zones had zoning ordinances that allowed structures higher than 30 feet. These were all invalidated with the passage of Proposition D.

The City did not immediately (nor for many years thereafter, or perhaps at all) take action to adopt new height limitations in the coastal areas. Proposition D's ordinance therefore became the coastal zoning ordinance for purposes of height. It was not, as has been contended, simply a cap on what the City could do under its ordinances. Because all of the ordinances were invalidated, not replaced, Proposition D's ordinance became the height zoning ordinance for the coastal zones. It controlled the height of structures in the coastal zones. By its express language, it also controlled *the method of measuring that height*.

City staff now contends that in subsequent years, when you adopted the Citywide ordinance, that ordinance replaced Proposition D as the zoning ordinance to the coastal zones. However, to the extent it is now contended that the Citywide ordinance created a new method of measuring height within the coastal zones, it is invalid because the change was not adopted by the voters.

The method of measuring buildings in the coastal zones was established by Proposition D (since all other ordinances were immediately voided). Proposition D was the zoning ordinance which applied to the coastal zones. Its provisions controlled measurement. If the City wants, thereafter, to change the method of measuring height, it must go back to the voters.

1970 Edition of the Uniform Building Code

Lodged as Exhibit 3 is a copy of the 1970 edition of the Uniform Building Code. It describes a base of measurement for the height of buildings. A diagram that has been prepared to assist you in evaluating this matter, showing how the voters wanted height measured, is lodged as Exhibit 4.

Note in the diagram how the method chosen by the voters allows that property owners to get three stories out of their lots. If you apply the Citywide ordinance to a sloped property, you would lose the ability to easily construct three stories on your lot without (if possible) a complicated and expensive step process as you build up the slope.

In simplistic terms, the method described in the 1970 UBC is to measure the maximum height at the highest adjacent grade of the building, which can be any finished surface (which hasn't been exaggerated). That measurement goes up 30 feet and creates a horizontal ceiling for the lot, by which nothing can penetrate. This method is demonstrated in Exhibit 4.

This method reflected a wholesale rejection of the method adopted by the City Council prior to 1972. Voters did not want the Council's method. They wanted a citizen dictated method.

State Law Prohibits Amendments to Voter Adopted Initiatives
Unless by the Voters

To the extent the City has, at any time, begun applying a different method of measurement for 30 foot height limits in the coastal zone, or to the extent you are being asked to do that at this time, it would result (if enforced) in a method of measurement different than that which became the law after the enactment of Proposition D.

Any change to the method of measurement that had been adopted by the voters, would require an amendment *by the voters*, not by anyone else. California Elections Code § 9217 controls. It provides:

“... No ordinance . . . adopted by the voters, shall be . . . amended except by a vote of the people, *unless provision is otherwise made in the original ordinance.*” [Emphasis added.]

A review of Proposition D [Exhibit 1] will show that it does not have a provision allowing the Council to amend it. In fact, the voters who adopted Proposition D provided that the method of height measurement “*shall* be in accordance with the Uniform Building Code of 1970.” It did not say, “*may* be in accordance.” The voters went even further. They added a paragraph that said “notwithstanding any other section” the provisions of the adopted ordinance would apply.

In California, the intent of a law is determined first and foremost by the *plain meaning* of the statute’s language. [*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 775.] “[W]e seek to give meaning to every word and phrase in the statute.” (*Ibid.*) If the language is clear and unambiguous, there is no need for judicial construction. (*Ibid.*)

The United States Supreme Court has held, “The mandatory ‘shall’ . . . normally creates an obligation impervious to judicial discretion.” [*Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998).]

Does Staff’s Proposed Change to the Land Development Code Reflect a Change of How We Had Been Measuring Buildings in the Coastal Zone

Yes it does.

First, Proposition D is controlling. It was enacted in 1972. It can only be changed by the voters. The change that came before you in the summer of 2011 attempted to change the method of measuring structures in the coastal zone. It would be illegal if enacted by the Council, not the voters.

Ms. Thomas, of the City Attorney's Office, in response to a question from Councilman Faulconer, stated that the proposed measure did *not* reflect any change of how the City has been measuring height.²

Lodged as Exhibit 5 is a copy of a portion of Municipal Code §113.0270(a)(4)(D). This is from a Code disseminated in 2009. It provides as follows:

“(D) *Structure* height of buildings subject to the Coastal Height Limit in accordance with Section 132.0505

...

(ii) The base of the measurement shall be taken from finished grade in accordance with the 1970 Uniform Building Code. . . .”

Lodged as Exhibit 6 is a City approved plan on property that was constructed on Hornblend Street, in Pacific Beach, in 2010. The complete plans will be brought to the Committee, but a smaller portion of the plans are lodged as Exhibit 6.

The elevation plans were signed off by Larry Lewis on June 8, 2009. His signature appears on the exhibit. Larry Lewis is not a new hire. He is the City's proclaimed expert on Proposition D. He states that the method of determining elevation of this structure is consistent with Proposition D. This building utilized the method of measurement in Proposition D, the 1970 UBC. This was in June of 2009. Mr. Lewis approved it.

Both the City Code and City engineers have utilized the 1970 UBC for determining height in the coastal zone. The proposal that came before Council was, in fact, *a change to how we have been doing business*. Council Faulconer should have been told that the proposed language would change how we do things, not be consistent with how we do things. He should be told the proposed amendment alters the voter passed coastal protection legislation.

Lodged as Exhibit 7 is a newsletter promulgated by the City of San Diego. It clearly draws a distinction between buildings located in the coastal areas and the remainder of the City. The City's own newsletter provides:

“For buildings located in the coastal area between the Pacific Ocean and Interstate 5, . . . the provisions of Proposition D *shall* apply.”
[Emphasis added.]

² If this is correct, there would be no need to change the law unless the City had been enforcing a method of measurement that was illegal. If, in fact, this is how we have been doing it, why pass a new law? New laws are typically reserved for *changing* how things are done. Staff, in fact, wants to change the method of measurement.

“ . . . The base of measurement shall be in accordance with the 1970 Uniform Building Code which states: . . . ”

Lodged as Exhibit 8 is a diagram that was distributed with that City newsletter. It utilizes the 1970 UBC also.

Not just the Council members should be hold that this proposal circumvents the voter adopted coastal ordinance. This effort should be publicized in all major media as it reflects a conscious effort to water down the citizen enacted initiative.

Policy Considerations

The late notice of this meeting did not give us an opportunity to work with the consultants who were going to speak with you regarding the importance of the method of measurement to getting three stories into these 30 foot structures. Exhibit 4 demonstrates the practical difficulty of building three stories into 30 feet without a guarantee that the entire structure, across the entire site, can be 30 feet high.

In many parts of Pacific Beach, this method of measurement provides sometimes less than a foot of additional space across the property. However, as Mr. Turk would have testified, he has been able to fit solar panels into that extra space that he could not do utilizing a different method of measurement. He can identify 54 separate properties developed in the coastal communities in which he has installed solar, many of which would have been jeopardized by changing the method of measurement.

We are happy to come back with more notice and make a further presentation of the policy issues.

Conclusion

City newsletters, City Code and plans approved by City engineers all reflect that the rank and file of our City employees (those who print the Municipal Code, those who advise the public, and those who work with property owners) recognize that Proposition D controls. It has controlled since 1972.

The proposed amendment to the Land Development Code that came before you this summer, as it related to height limits in the coastal zone, would have been a change in how we measure the height of structures in the coastal zone. It changes the method of measurement. City staff told you that, henceforth, two methods would be applied.

Proposition D does not allow for this. It spells out a mandatory method of measurement. It states that it “shall” apply. The voters contemplated that City staff might come to you with amendments that would give alternative options. To deal with this potential, the voters expressly provided that notwithstanding any other section the language in Proposition D (1970 UBC) will apply.

Proposition D became your Citywide zoning ordinance for the coastal communities. It provided a method of measurement. Any subsequent change to that method of measurement is going to require voter adoption. If the Council proceeds to adopt an amendment, it is my client's position that it would be illegal and subject to challenge in court. It would be challenged.

DOCUMENTS

1. 1972 Proposition D As Overwhelmingly Supported in the Voter Revolt Against City Hall
2. San Diego's Coastal Zone As Delineated by the Voters
3. 1970 Uniform Building Code (Re: Measuring Height) Selected by the Voters who Threw Out the Method Enacted by the Council
4. Diagram Demonstrating the Voter Selected Method for Measuring Height in the Coastal Zone
5. Municipal Code § 113.0270(a)(4)(D)
6. City Approved Building Plan in 2009 Utilizing 1970 UBC in Coastal Zone
7. City Newsletter
8. Diagram that Accompanied City Newsletter

INITIATIVE MEASURE: AN ORDINANCE LIMITING THE HEIGHT OF BUILDING IN THE COASTAL ZONE

BE IT ORDAINED, by the people of the City of San Diego, as follows:

Section 1. Notwithstanding any section to the contrary, no building or addition to a building shall be constructed with a height in excess of thirty feet within the Coastal Zone of the City of San Diego. The words Coastal Zone, as used within this Ordinance, shall mean that land and water area of the City of San Diego from the northern city limits south to the border of the Republic of Mexico, extending seaward to the outer limit of city jurisdiction and extending inland to the location of Inter-state 5 on January 1, 1971. This limitation shall not apply to that land area of the Coastal Zone bounded by National City on the south, San Diego Bay on the west and Laurel Street on the south-westerly projection of Laurel Street on the north.

The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.

Notwithstanding any section to the contrary, there shall be no exception to the provisions of this Ordinance.

Section 2. This Ordinance shall become effective upon the thirtieth day after receiving a majority of votes of the electors of the City of San Diego at an election held in said city.

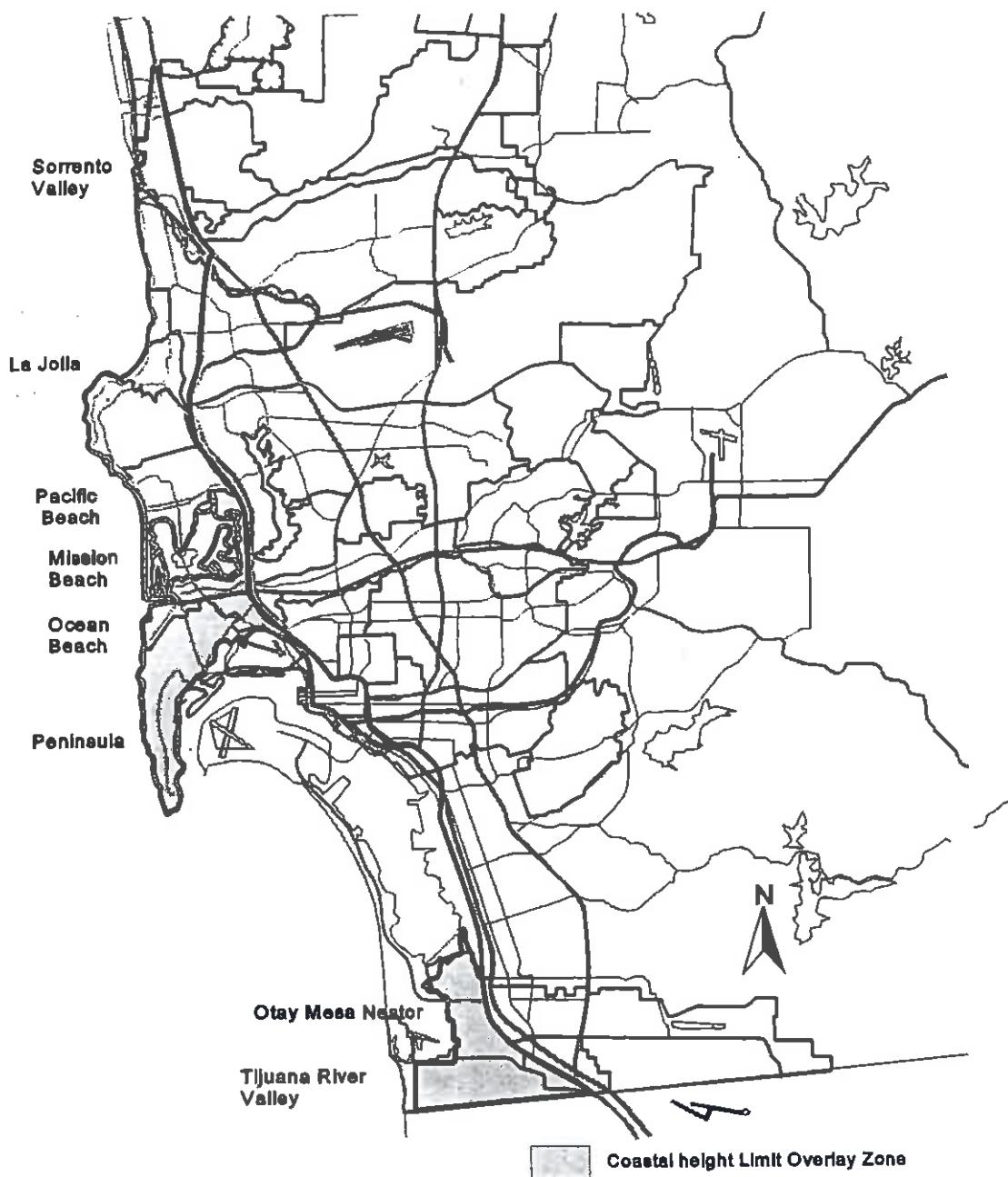


DIAGRAM 132-05A

Coastal Height Limit Overlay Zone

This Is a reproduction of Map No. C380 for illustration purposes only

UNIFORM BUILDING CODE

1970 Edition

Volume I



AUTHORIZED EDITION

Third Printing

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HOW TO USE THE UNIFORM BUILDING CODE

Page
19

Part I—Administrative

CHAPTER 1. Title and Scope	
SEC. 101. Title	21
102. Purpose	21
103. Scope	21
104. Application to Existing Buildings	21
105. Moved Buildings	21
106. Alternate Materials and Methods of Construction	22
107. Tests	23
	23

CHAPTER 2. Organization and Enforcement

SEC.C. 201. Creation of Department	24
202. Powers and Duties of Building Official	24
203. Unstable Buildings	25
204. Board of Appeals	25
205. Violations and Penalties	26
	26

CHAPTER 3. Permits and Inspections

SEC.C. 301. Application for Permits	27
302. Building Permits	28
303. Fees	28
304. Inspections	29
305. Special Inspections	30
306. Certificate of Occupancy	32
	32

Part II—Definitions and Abbreviations

CHAPTER 4. Definitions and Abbreviations	34
---	----

Part III—Requirements Based on Occupancy

CHAPTER 5. Classification of all Buildings by Use or Occupancy and General Requirements for all Occupancies	
SEC. 501. Occupancy Classified	43
502. Change in Use	43
503. Mixed Occupancy	43
504. Location on Property	43
505. Allowable Floor Areas	45
506. Allowable Area Increases	46
507. Maximum Height of Buildings and Increases	47
508. Fire-Resistive Substitution	48
509. Arcades	49
510. Sanitation	49
	49

CHAPTER 6. Requirements for Group A Occupancies

SEC. 601. Group A Occupancies Defined	56
602. Construction, Height, and Allowable Area	56
603. Location on Property	56
604. Exit Facilities	56
605. Light, Ventilation, and Sanitation	56
606. Enclosure of Vertical Openings	56
	57

SECTIONS 404-407

UNIFORM BUILDING CODE**1970 EDITION****SECTIONS 407-408**

**Definitions
(Continued)**

CELLAR is that portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this Chapter) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See "Story.")

CENTRAL HEATING PLANT is comfort heating plant equipment installed in such a manner to supply heat by means of ducts or pipes to areas other than the room in which the equipment is located.

CHIEF OF THE FIRE DEPARTMENT is the head of the Fire Department or his regularly authorized deputy.

CITY, as used in this Code, is any political subdivision which adopts this Code for regulation within its jurisdiction.

COURT is a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

Sec. 405. DEAD LOAD in a building is the weight of the walls, permanent partitions, framing, floors, roofs, and all other permanent stationary construction entering into and becoming a part of the building.

DISPERSAL AREA, SAFE. See Section 3322.

DORMITORY is a room occupied by more than two guests.

DWELLING is any building or any portion thereof which is not an "Apartment House," "Lodging House" or a "Hotel" as defined in this Code, which contains one or two "Dwelling Units" or "Guest Rooms," used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes.

DWELLING UNIT is one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

Sec. 406. EXISTING BUILDINGS. (See "Building, Existing.")

EXIT. See Section 3301 (c).

EXIT COURT. See Section 3301 (c).

EXIT PASSAGEWAY. See Section 3301 (c).

Sec. 407. FAMILY is an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants), who need not be related by blood or marriage living together in a dwelling unit.

FIRE ASSEMBLY. See Section 4306 (h).

FIRE RESISTANCE or **FIRE-RESISTIVE CONSTRUCTION** is construction to resist the spread of fire, details of which are specified in Chapters 42 and 43 of this Code.

FIRE-RETARDANT TREATED WOOD is lumber or plywood impregnated with chemicals and when tested in accordance with U.B.C. Standard No. 42-1 for a period of 30 minutes shall have a flame spread of not over 25 and show no evidence of progressive combustion. The fire-retardant properties shall not be considered permanent where exposed to the weather.

All material shall bear identification showing the fire performance rating thereof issued by an approved agency having a re-examination service.

FLOOR AREA is the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

FOOTING is that portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.

FRONT OF LOT is the front boundary line of a lot bordering on the street, and in the case of a corner lot may be either frontage.

Sec. 408. GARAGE is a building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank, is stored, repaired, or kept.

GARAGE, PRIVATE, is a building, or a portion of a building, not more than 1000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. (See Section 1501.)

GARAGE, PUBLIC, is any garage other than a private garage.

GRADE (Adjacent Ground Elevation) is the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point 5 feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than 5 feet distant from said wall. In case walls are parallel to and within 5 feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

SECTIONS 408-413

UNIFORM BUILDING CODE

Definitions
(Continued)

GRADE (*Lumber*) is the classification of lumber in regard to strength and utility.

GUEST is any person hiring or occupying a room for living or sleeping purposes.

GUEST ROOM is any room or rooms used, or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

H

HABITABLE ROOM is any room meeting the requirements of this Code for sleeping, living, cooking or dining purposes excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundrys, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

HEIGHT OF BUILDING is the vertical distance from the "Grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

HELIPORT. A heliport is an area of land or water or a structural surface which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

HELISTOP. A helistop is the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

HORIZONTAL EXIT. See Section 3301 (c).

HOTEL is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

I Sec. 410. No definitions.

J Sec. 411. No definitions.

K Sec. 412. No definitions.

LIVE LOADS are all loads except dead and lateral loads.

LODGING HOUSE is any building or portion thereof, containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements of this Code for dwellings.

1970 EDITION

SECTIONS 414-416

MARQUEE is a permanent roofed structure attached to and supported by the building and projecting over public property. Marqueses are regulated in Chapter 45.

MASONRY is that form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile, or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

MASONRY, SOLID, is masonry of solid units built without hollow spaces.

MEZZANINE or **MEZZANINE FLOOR** is an intermediate floor placed in any story or room. When the total area of any such "Mezzanine" floor exceeds 33 1/3 per cent of the total floor area in that room, it shall be considered as constituting an additional "Story." The clear height above or below a "Mezzanine" floor construction shall be not less than 7 feet.

N See. 415. **NONCOMBUSTIBLE** as applied to building construction material means a material which, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to U.B.C. Standard No. 4-1 shall be considered noncombustible within the meaning of this Section.

2. Material having a structural base of noncombustible material as defined in item No. 1 above, with a surfacing material not over $\frac{1}{8}$ inch thick which has a flame-spread rating of 50 or less.

"Noncombustible" does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances, or other materials shall refer to material conforming to Item No. 1. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

Flame-spread rating as used herein refers to rating obtained according to tests conducted as specified in U.B.C. Standard No. 42-1.

O See. 416. **OCCUPANCY** is the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

OCCUPANT LOAD. See Section 3301 (c).

Definitions
(Continued)

SECTION 503**Mixed Occupancy
(Continued)**

the basic area permitted in the occupancy by Table No. 5-C for such minor use, for the purpose of determining allowable area the major use of the building shall determine the occupancy classification provided the uses are separated as specified in Section 503 (d).

In no case shall any occupancy be located above the story or height set forth in Table No. 5-D.

(b) **Forms of Occupancy Separations.** Occupancy separations shall be vertical or horizontal or both or, when necessary, of such other form as may be required to afford a complete separation between the various occupancy divisions in the building.

Where the occupancy separation is horizontal, structural members supporting the separation shall be protected by equivalent fire-resistant construction.

(c) **Types of Occupancy Separation.** Occupancy separations shall be classed as "Four-Hour Fire-Resistive," "Three-Hour Fire-Resistive," "Two-Hour Fire-Resistive," and "One-Hour Fire-Resistive." (See U.B.C. Standard No. 43-7 for fire dampers in air ducts piercing occupancy separations.)

1. A "Four-Hour Fire-Resistive Occupancy Separation" shall have no openings therein and shall be of not less than four-hour fire-resistant construction.

2. A "Three-Hour Fire-Resistive Occupancy Separation" shall be of not less than three-hour fire-resistant construction. All openings in walls forming such separation shall be protected by a fire assembly having a three-hour fire-protection rating. The total width of all openings in any three-hour fire-resistant occupancy separation wall in any one story shall not exceed 25 per cent of the length of the wall in that story and no single opening shall have an area greater than 120 square feet.

All openings in floors forming a "Three-Hour Fire-Resistive Occupancy Separation" shall be protected by vertical enclosures extending above and below such openings. The walls of such vertical enclosures shall be of not less than two-hour fire-resistant construction and all openings therein shall be protected by a fire assembly having a one and one-half-hour fire-protection rating.

3. A "Two-Hour Fire-Resistive Occupancy Separation" shall be of not less than two-hour fire-resistant construction. All openings in such separation shall be protected by a fire assembly having a one and one-half-hour fire-protection rating.

4. A "One-Hour Fire-Resistive Occupancy Separation" shall be of not less than one-hour fire-resistant construction. All openings in such separation shall be protected by a fire assembly having a one-hour fire-protection rating.

1970 EDITION**SECTIONS 503-504**

(d) **Fire Ratings for Occupancy Separations.** Occupancy separations shall be provided between the various Groups and Divisions of Occupancies as set forth in Table No. 5-B.

EXCEPTIONS: 1. Where an approved spray booth, constructed in accordance with Chapter 53, is installed, such booth need not be separated from other Group I Occupancies or from Groups II and III Occupancies.

2. In Groups A, C, and D Occupancies a three hour occupancy separation is permitted from a Group II, Division I Occupancy used only as a garage for the parking of passenger motor vehicles having a capacity of not more than nine persons per vehicle and provided no repair or fueling is done.

3. In Group II Occupancies, a one-hour occupancy separation is permitted from a Group II, Division I Occupancy used only as a garage for the parking of passenger motor vehicles having a capacity of not more than nine persons per vehicle and provided no repair or fueling is done and the area does not exceed 3000 square feet in a building.

4. In the one-hour occupancy separation between Group I and J Occupancies, the separation may be limited to the installation of materials approved for one-hour fire-resistant construction on the garage side and a self-closing, tight-fitting solid wood door 1½ inches in thickness will be permitted in lieu of a one-hour fire assembly. Fire dampers shall not be required in ducts piercing this separation for ducts constructed of not less than No. 26 gauge galvanized steel.

5. The following occupancies need not be separated from the uses to which they are accessory; assembly rooms having a floor area of not over 750 square feet; administrative and clerical offices and similar rooms which in the aggregate do not exceed 25 per cent of the floor area of the major use when not related to Group F, Division 1 and Group E, Division 2 Occupancies.

Sec. 504. (a) General. Buildings shall adjoin or have location on access to a public space, yard, or street on not less than one side. Required yards shall be permanently maintained.

For the purpose of this Section, the center line of an adjoining street or alley shall be considered an adjacent property line.

Eaves over required windows shall be not less than 30 inches from the side and rear property lines. For caves, see Section 1710.

(b) **Fire Resistance of Walls.** Exterior walls shall have fire resistance and opening protection as set forth in Table No. 5-A, Part III, and in accordance with such additional provisions as are specified in Part IV and Part V. Distance shall be measured at right angles from the property line. The above provisions shall not apply to walls at right angles to the property line.

UNIFORM BUILDING CODE1970 EDITION
SECTIONS 501-503Definitions
(Continued)

WATER HEATER is an appliance designed primarily to supply hot water and is equipped with automatic controls limiting water temperature to a maximum of 210° F.

WEATHER-EXPOSED SURFACES are all surfaces of walls, ceilings, floors, roofs, soffits and similar surfaces exposed to the weather excepting the following:

1. Ceilings and roof soffits enclosed by walls or by beams which extend a minimum of 12 inches below such ceiling or roof soffits.

2. Walls or portions of walls within an unenclosed roof area, when located a horizontal distance from an exterior opening equal to twice the height of the opening.

3. Ceiling and roof soffits beyond a horizontal distance of 10 feet from the outer edge of the ceiling or roof soffits.

WINDOW. (See "Bay Window"; see "Oriel Window.")

Sec. 425. No definitions.

Sec. 426. **YARD** is an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

X Sec. 425. No definitions.

Y Sec. 426. **YARD** is an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

NOTE: Tables in Chapter 5 appear at the end of the Chapter.

Occupancy Classified
Sec. 501. Every building, whether existing or hereafter erected, shall be classified by the Building Official according to its use or the character of its occupancy, as a building of Group A, B, C, D, E, F, G, H, I, or J, as defined in Chapters 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, respectively. (See Table No. 5-A.)

Any occupancy not mentioned specifically or about which there is any question shall be classified by the Building Official and included in the Group which its use most nearly resembles based on the existing or proposed life and fire hazard.

Sec. 502. No change shall be made in the character of occupancies or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this Code for such division or group of occupancy.

EXCEPTION: The character of the occupancy of existing buildings may be changed subject to the approval of the Building Official, and the building may be occupied for purposes in other Groups without conforming to all the requirements of this Code for those Groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

No change in the character of occupancy of a building shall be made without a Certificate of Occupancy, as required in Section 306 of this Code.

Mixed Occupancy
Sec. 503. (a) General. When a building is used for more than one occupancy purpose each part of the building comprising a distinct "Occupancy," as described in Chapters 5 through 15, shall be separated from any other occupancy as specified in Section 503 (d).

When a building houses more than one occupancy, each portion of the building shall conform to the requirements for the occupancy housed therein. The area of the building shall be such that the sum of the ratios of the actual area divided by the allowable area for each separate occupancy shall not exceed one.

Where minor accessory uses do not occupy more than 10 per cent of the area of any floor of a building, nor more than

SECTIONS 504-505

UNIFORM BUILDING CODE

Location on Property (Continued)

- Projections beyond the exterior wall shall not extend beyond:
1. A point one-third the distance to the property line from an exterior wall; or
 2. A point one-third the distance from an assumed vertical plane located where fire-resistive protection of openings is first required due to location on property, whichever is the least restrictive.

When openings in exterior walls are required to be protected due to distance from property line, the sum of the area of such openings shall not exceed 50 per cent of the total area of the wall in each story.

(c) **Buildings on Same Property and Buildings Containing Courts.** For the purpose of determining the required wall and opening protection, buildings on the same property and court walls of buildings over one story in height shall be assumed to have a property line between them.

When a new building is to be erected on the same property with an existing building, the assumed property line from the existing building shall be the distance to the property line for each occupancy as set forth in Table No. 5-A and Part V.

EXCEPTION: Two or more buildings on the same property may be considered as portions of one building if the aggregate area of such buildings is within the limits specified in Section 505 for a single building.

When the buildings so considered house different occupancies or are of different types of construction, the area shall be that allowed for the most restricted occupancy or construction.

Allowable Floor Areas

Sec. 505. (a) One-Story Areas. The area of a one-story building shall not exceed the limits set forth in Table No. 5-C except as provided in Section 506, nor the limits specified in Chapter 16.

For buildings located in Fire Zone No. 3, the basic area may be increased by 33½ per cent.

Basements and cellars need not be included in the total allowable areas provided such basement or cellar does not qualify as a story nor exceed the area permitted for a one-story building.

(b) **Areas of Buildings Over One Story.** The total area of all floors of multistory buildings shall not exceed twice the area allowed for one-story buildings. Basements and cellars need not be included in the total allowable areas.

(c) **Area Separation Walls.** Each portion of a building separated by one or more area separation walls may be considered a separate building provided the area separation walls meet the following requirements:

1970 EDITION

SECTIONS 505-506

Allowable Floor Areas (Continued)

1. Area separation walls shall be not less than four-hour fire-resistive construction in Types I, II or III buildings and two-hour fire-resistive construction in Types IV or V buildings. The total width of all openings in such walls shall not exceed 25 per cent of the length of the wall in each story. All openings shall be protected by a fire assembly having a three-hour fire-protection rating in four-hour fire-resistive walls and one-and-one-half-hour fire-protection rating in two-hour fire-resistive walls.
2. Area separation walls need not extend to the outer edges of horizontal projecting elements such as balconies, roof overhangs, canopies, marqueses or architectural projections provided the exterior wall at the termination of the area separation wall and the projecting elements above are not less than one-hour fire-resistive construction for a width equal to the depth of the projecting elements. Wall openings within such widths shall be protected by assemblies having a three-fourths hour fire-protection rating.
3. Area separation walls shall extend from the foundation to a point at least 30 inches above the roof.

EXCEPTIONS: 1. Area separation walls may terminate at the roof soffit provided the roof is of at least two-hour fire-resistive construction.

2. Two-hour area separation walls may terminate at the underside of roof sheathing, provided that the roof has at least one-hour fire-resistive time period for a width of not less than 5 feet on each side of the area separation wall termination.

3. Two-hour area separation walls may terminate at roofs of entirely noncombustible construction.

4. Where an area separation wall separates portions of a building having different heights, such wall may terminate at a point 30 inches above the lower roof level provided the exterior wall for a height of 10 feet above the lower roof is of one-hour fire-resistive construction with openings protected by assemblies having a three-fourths-hour fire-protection rating.

EXCEPTION: The area separation wall may terminate at the sheathing of the lower roof provided the roof is of at least one-hour fire-resistive construction for a width of 10 feet without openings measured from the wall.

See Chapters 6 to 16 inclusive for special occupancy provisions. (See U.B.C. Standard No. 43-7 for fire dampers in air ducts piercing area separations.)

Sec. 506. (a) General. The floor areas specified in Section 505 may be increased by one of the following:

1. Separation on two sides. Where public space, streets, or yards more than 20 feet in width extend along and adjoin two sides of the building, floor areas may be increased at a rate of one and one-fourth per cent for each foot by which the

Allowable Area Increases

SECTIONS 506-507

UNIFORM BUILDING CODE

1970 EDITION

Allowable Area Increases (Continued) minimum width exceeds 20 feet, but the increase shall not exceed 50 per cent.

2. **Separation on three sides.** Where public space, streets, or yards more than 20 feet in width extend along and adjoin three sides of the building, floor areas may be increased at a rate of two and one-half per cent for each foot by which the minimum width exceeds 20 feet, but the increase shall not exceed 100 per cent.

3. **Separation on all sides.** Where public space, streets or yards, more than 20 feet in width, extend on all sides of a building and adjoin the entire perimeter, floor areas may be increased at a rate of five per cent for each foot by which the minimum width exceeds 20 feet. Such increases shall not exceed 100 per cent, except for buildings not exceeding two stories in height of Group C Occupancy and one-story buildings housing aircraft storage hangars and as further limited in Section 1002 (b) for aircraft repair hangars.

(b) **Unlimited Area.** The area of any one- or two-story building of Group F, Group G and Division 5 of Group E Occupancies shall not be limited, if the building is provided with an approved automatic fire-extinguishing system throughout, as specified in Chapter 38, and entirely surrounded and adjoined by public space, streets or yards not less than 60 feet in width.

The area of a one-story Type II, Type III, Heavy-Timber or Type III, One-hour, or Type IV building of Group G Occupancy shall not be limited if the building is entirely surrounded and adjoined by public space, streets, or yards not less than 60 feet in width.

(c) **Automatic Fire-extinguishing Systems.** The area specified in Section 305 may be tripled in one-story buildings and doubled in buildings of more than one story if the building is provided with an approved automatic fire-extinguishing system throughout. The area increases permitted in this Subsection may be compounded with that specified in paragraph No. 1, 2 or 3 of Subsection (a) of this Section. The increases permitted in this Subsection shall not apply when automatic fire-extinguishing systems are installed under the following provisions:

1. Section 507 for an increase in allowable number of stories.
2. Section 3802 (b) 6 for Group E, Divisions 1 and 2 Occupancies.
3. Substitution for one-hour fire-resistant construction pursuant to Section 508.

Sec. 507. The maximum height and number of stories of every building shall be dependent upon the character of the occupancy and the type of construction and shall not exceed the limits set forth in Table No. 5-12, except as provided in this Section and as specified in Section 503 (a) for mixed

SECTIONS 507-510

occupancy buildings. The height shall be measured from the highest adjoining sidewalk or ground surface, provided that the height measured from the lowest adjoining surface shall not exceed such maximum height by more than 10 feet. The limits set forth in Table No. 5-12 may be increased by one story if the building is provided with an approved automatic fire-extinguishing system throughout. The increase in height for automatic fire-extinguishing systems shall not apply when the automatic fire-extinguishing systems throughout are installed under the following provisions:

1. Section 3802 (b) 6 for Group E, Divisions 1 and 2 Occupancies.
2. Section 506, for an increase in allowable area.
3. Substitution for one-hour fire-resistant construction pursuant to Section 508.

EXCEPTIONS: 1. Towers, spires, and steeples, erected as a part of a building and not used for habitation or storage, are limited as to height only by structural design if completely of noncombustible materials, or may extend not to exceed 20 feet above the height limit in Table No. 5-12 if of combustible materials.

2. The height of one-story aircraft hangars shall not be limited if the building is provided with automatic fire-extinguishing systems throughout as specified in Chapter 38 and is entirely surrounded by public space, streets, or yards not less in width than one and one-half times the height of the building.

See Chapters 6 to 16 inclusive for special occupancy provisions.

Sec. 508. Where one-hour fire-resistant construction throughout is required by this Code, an approved automatic fire-extinguishing system, as specified in Chapter 38, may be substituted, provided such system is not otherwise required.

Sec. 509. Arcades connecting buildings and used exclusively as passageways need not be considered as adjacent buildings for the provisions of this Chapter, provided that the walls of the building adjoining the arcades are finished with the same construction as required for the exterior walls of the building, with no communicating openings between the arcades and the building, except doors; and provided that the arcades are of not less than one-hour fire-resistant construction or entirely of noncombustible materials, or of heavy timber construction with 2-inch nominal sheathing.

Sec. 510. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.

TABLE NO. 5-C

UNIFORM BUILDING CODE

1970 EDITION

TABLE NO. 5-D

TABLE NO. 5-C—BASIC ALLOWABLE FLOOR AREA FOR BUILDINGS ONE STORY IN HEIGHT
IN ZONES NO. 1 AND NO. 2. FOR BUILDINGS LOCATED IN FIRE ZONE NO. 3 THE BASIC AREA MAY BE INCREASED $33\frac{1}{3}$ PER CENT
(In Square Feet)

OCCUPANCY	TYPES OF CONSTRUCTION							
	I	II	III		IV		V	
			1-Hour or H.T.	N	1-Hour	N	1-Hour	N
	Unlimited	22,500	Not Permitted					
1-2	Unlimited	22,500	10,100	Not Permitted	10,100	Not Permitted	7,900	Not Permitted
3-4	Unlimited	22,500	10,100	6,800	10,100	6,800	7,900	4500
	Unlimited	34,000	15,200	10,100	15,200	10,100	11,800	6800
	Unlimited	11,300	Not Permitted ¹					
2-3	Unlimited	11,300	5,100	Not Permitted	5,100	Not Permitted	3,900	Not Permitted
2-2 ²	11,250	9,300	4,200	2,800	4,200	2,800	3,300	1900
3-4-5 ²	Unlimited	18,600	8,400	5,600	8,400	5,600	6,600	3800
2-2-3	Unlimited	30,000	13,500	9,000	13,500	9,000	10,500	6000
	Unlimited	45,000	20,300	13,500	20,300	13,500	15,800	9000
	Unlimited	22,500	10,100	6,800 ³	10,100	6,800 ³	7,900	4500 ³
	Unlimited							
	See Chapter 15							

¹No general requirements for fire resistance.²Heavy Timber.³Section 902 (b).²Additional limitations in Fire Zones No. 1 and No. 2 see Sections 1602 and 1603.³above the first floor shall not exceed 3000 square feet.

TABLE NO. 5-D—MAXIMUM HEIGHT OF BUILDINGS

OCCUPANCY	TYPES OF CONSTRUCTION							
	I	II	III		IV		V	
			1-Hr. or H.T.	N	1-Hour	N	1-Hour	N
MAXIMUM HEIGHT IN FEET								
	Unlimited	160	65	55	65	55	50	40
MAXIMUM HEIGHT IN STORIES								
	Unlimited	4	Not Permitted					
2	Unlimited	4	2	Not Permitted	2	Not Permitted	2	Not Permitted
3	Unlimited	12	2	1	2	1	2	1
	Unlimited	4	2 ¹	1	2 ¹	1	2 ¹	1
	Unlimited	2	Not Permitted ²					
2	Unlimited	3	1	Not Permitted	1	Not Permitted	1	Not Permitted
3	Unlimited	3	2	Not Permitted	2	Not Permitted	2	Not Permitted
	Unlimited	2	1	1	1	1	1	1
2-3-4-5	Unlimited	5	2	1	2	1	2	1
2-2-3	Unlimited	12	4	2	4	2	3	2
	Unlimited	12	4	2 ¹	4	2 ¹	3	2 ¹
	Unlimited	12	4	2 ¹	4	2 ¹	3	2 ¹
	Unlimited	3	3	3	3	3	3	3
	See Chapter 15							

¹Section 902 (b).²Section 902 (b).³above the first floor shall not exceed 3000 square feet. [See Section 1302 (b).]N.—No general requirements for fire resistance.
H.T.—Heavy Timber.

SECTIONS 1308-1313

**Efficiency
Dwelling Units
(Continued)**

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

**Shaft
Enclosures**

Sec. 1309. Exits shall be enclosed as specified in Chapter 33.

Elevator shafts, vent shafts, and other vertical openings shall be enclosed and the enclosure shall be as specified in Section 1706.

**Fire-
Extinguishing
Systems**

Sec. 1310. When required by other provisions of this Code, automatic fire extinguishing systems and standpipes shall be installed as specified in Chapter 38.

Heating

Sec. 1311. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70° F. at a point 3 feet above the floor in all habitable rooms.

**Special
Hazards**

Sec. 1312. Chimneys and heating apparatus shall conform to the requirements of Chapter 37 of this Code and Uniform Building Code, Volume II, Mechanical.

The storage and handling of gasoline, fuel oil, and other flammable liquids shall not be permitted in any Group H Occupancy unless such storage and handling comply with U.B.C. Standard No. 9-1.

Doors leading into rooms in which volatile flammable liquids are stored or used shall be protected by a fire assembly having a one-hour fire-protection rating. Such fire assembly shall be self-closing and shall be posted with a sign on each side of the door in 1-inch block letters stating: "FIRE DOOR—KEEP CLOSED."

Every boiler room or room containing a central heating plant shall be separated from the rest of the building by not less than a One-Hour Fire-Resistive Occupancy Separation as defined in Chapter 5.

EXCEPTION: A separation shall not be required for such rooms with equipment serving only one dwelling unit.

Sec. 1313. For existing buildings see Appendix, Section 1313.

1970 EDITION

SECTIONS 1401-1405

CHAPTER 14—REQUIREMENTS FOR GROUP I OCCUPANCIES**Group I
Occupancies
Defined**

Sec. 1401. Group I Occupancies shall be:

Dwellings and lodging houses.

For occupancy separations see Table No. 5-B.

For occupant load see Section 3301.

Sec. 1402. Buildings or parts of buildings classed in Group Construction, I because of the use or character of the occupancy shall be Height, and limited to the types of construction set forth in Tables No. Allowable Area 5-C and No. 5-D and shall not exceed, in area or height, the limits specified in Sections 505, 506, and 507.

Sec. 1403. For fire-resistant protection of exterior walls Location on and openings, as determined by location on property, see Property Section 304 and Part V.

Sec. 1404. Stairs and exits shall be provided as specified in Chapter 33.

Every sleeping room below the fourth floor shall have at least one window or exterior door approved for emergency exit or rescue. Where windows are provided they shall have a sill height not more than 48 inches above the floor.

Windows with an area of not less than 5 square feet with no dimension less than 22 inches shall be deemed to meet the requirements of this Section provided sill heights are not over 48 inches above the floor.

Sec. 1405. (a) **Light and Ventilation.** All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural light by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 12 square feet. All bathrooms, water closet compartments, laundry rooms, and similar rooms shall be provided with natural ventilation by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 3 square feet. Not less than one-half of the required window or skylight area shall be openable to provide natural ventilation.

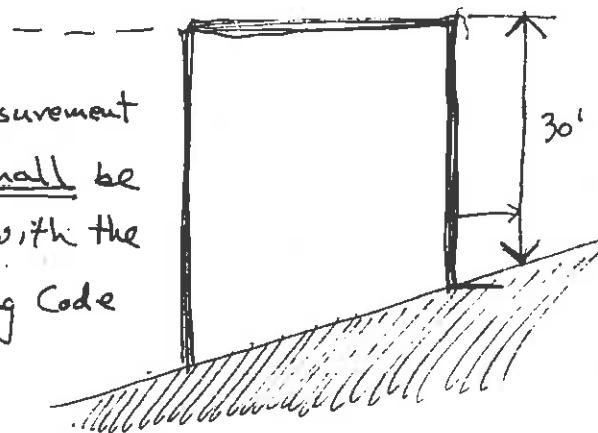
In lieu of openable windows for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms, and in public corridors. One-fifth of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms, and similar rooms a mechanical ventilation system connected directly to the outside, capable of providing five air

Section		Section			
Self-releasing latches or panic hardware when required	3315 (d)	3316 (a), 3317 (g), 3318 (f), (g) Special hazards	3315 (d), "08"	Sections of Chapters 6, 12, incl. 1312, 1411, 1505 Stage construction, Groups A, B, and C	Sections of Chapters 6, 13, incl. 602, 702, 802, Chapter 39
GROUT	2403 (g), 2626 (t)	HEAVY TIMBER CONSTRUCTION (see TYPE III BUILDINGS, Chapter 20)			
GROUTED MASONRY	2413, 2414	HEIGHT Additional for roof structures Awnings	501, 3601 4506		
GUARDRAIL, Around openings	1109 (g), 1713, 1714, 2304	Definitions	1301, 1407		
GUEST, Definition	408	Marcuses above sidewalk Of buildings	409, 409 4505		
GYNITE (see PNEUMATICALLY PLACED CONCRETE and PNEUMATICALLY PLACED PLASTER)		Of masonry walls (see WALLS) Permanent projections over property line Towers, or spires Types I, II, III, IV, and V Veneered walls	409, 507 507, 3602 507		
GUTTERS For roof drainage When to keep free of obstructions	3207 4403	Chapter 30			
GYMNASIUMS					
General	601, 701	HELICSTOP Definition	409		
Live loads	609, 709, 809	Design	1711 (c), 2115 1713		
Special construction		General requirements			
GYPSUM		HELIPORT, Definition	409, 2315		
Masonry Partitions, nonbearing Plaster for fire-resistant purposes	2420 4302	HOLLOW CONCRETE BLOCK OR TILE (see CONCRETE BLOCKS)			
Plaster lath	4702, 4705	HOLLOW MASONRY			
Tile	2406	Units	2402		
Wallboard stresses	4711	Walls	2411, 2411		
Working stresses	2406, 2407	HORIZONTAL EXITS			
GYPSUM, REINFORCED		Definitions			
General requirements	2407	General requirements	3301 (c)		
Special inspection	305 (a)	Signs for	3307 3312		
		HORIZONTAL FORCE	2516 (b)		
		HOSE, As equipment for wet standpipe	3806		
H—OCCUPANCIES	1301	HOSE CONNECTIONS			
HABITABLE ROOM		To dry standpipes	3803		
Definition		To wet standpipes	3804		
Minimum requirements for		HOTELS	3801		
HANDRAILS		Classified			
Construction	4407 (b)	Existing, nonconforming	1301		
Design	2304, 3305 (i)	Live loads	409		
For ramps	3306 (d)	Nursing homes	1313 (Appendix)		
Measuring stair clear width	3305 (b)	Live loads	2304		
Required for stairways	3305 (i), (l)				
HANGARS, AIRCRAFT					
Allowable area	505, 1002, 1102	I—OCCUPANCIES			
Classified	1001, 1101	ILLUMINATION	1401		
Ventilating equipment	1005, 1105	For exit signs			
HAZARDS, SPECIAL (see GROUPS, OCCUPANCY)	2510 (B)	INCREASE IN AREAS ALLOWED	3312		
HAZARDOUS BUILDINGS	203		506		
HAZARDOUS OCCUPANCIES		INFLAMMABLE LIQUIDS (see FLAMMABLE LIQUIDS)			
Highly hazardous (see GROUP E)		INNER COURT WALLS (see TYPES OF CONSTRUCTION)			
Moderately hazardous (see GROUP F)		INSPECTION			
Nonhazardous (see GROUP G)		By Building Official	304 (a)		
HEADERS		By Special Inspector	305 (b)		
Joist, support required		Final required	304 (d)		
Over opening in stud partitions		For change of occupancy	306		
Headroom for stairways		Materials for prefabrication	3006		
HEARTH FOR FIREPLACE		Of foundation	304 (d)		
Required		Of frame	2903		
		Of lath	304 (d)		

* PROP "D" Method of Measuring Height versus method in Citywide Ordinances

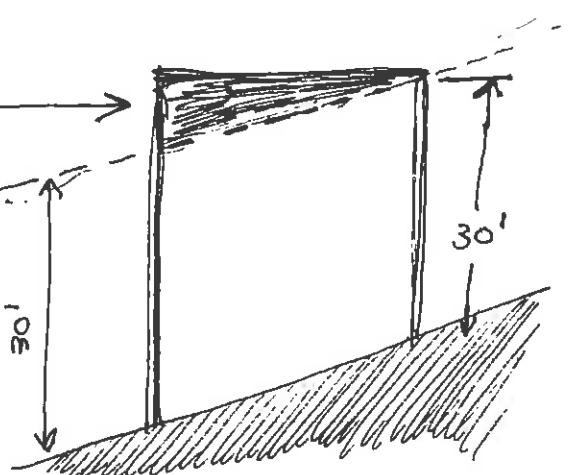
- ~~MAINTAIN EXISTING HEIGHT~~
- 30' WITHIN COASTAL ZONE

"The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970"



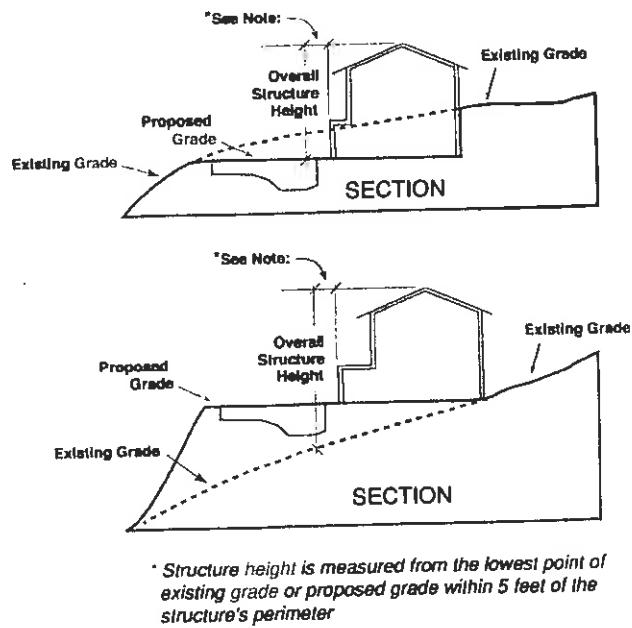
PROP. "D."
method of
measurement

this portion
is lost if you
change Prop D's
method of
measuring the
height



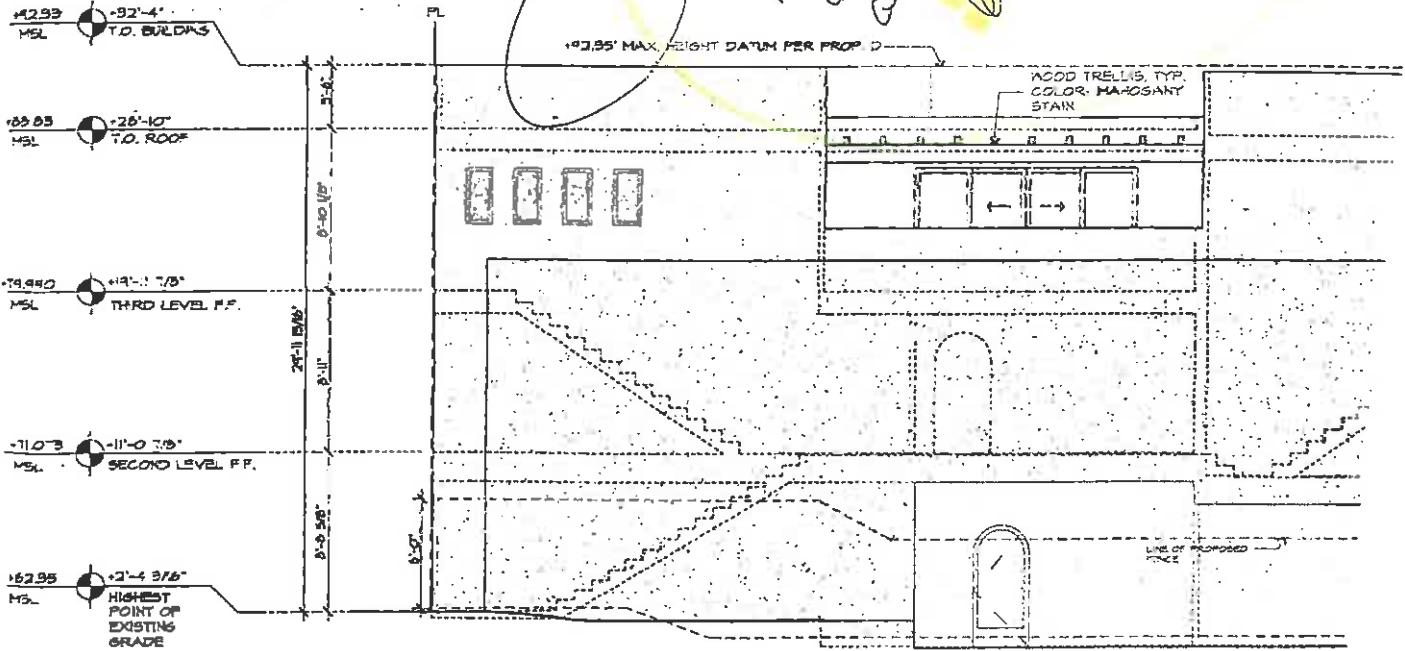
CITYWIDE
(113.0270)
method
of measurement

Diagram 113-02OO
Overall Structure Height With Pool



113.0270.a.4 (D) Structure Height of Buildings subject to Coastal Height Limit in accordance with Section 132.0505

- (i) The height of a building is measured to the uppermost point of the *structure* or any appurtenance placed upon the roof thereof, including *signs*, penthouses, mechanical equipment, chimneys, vent stacks, spires, or steeples, or other projections.
- (ii) The base of the measurement shall be taken from finished grade in accordance with the 1970 Uniform Building Code. The height shall be measured from the highest adjoining sidewalk or ground surface within 5 feet of the *structure*, provided that the height measured from the lowest adjoining surface shall not exceed such maximum height by more than 10 feet.





THE CITY OF SAN DIEGO

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Planning & Development Review
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Building Newsletter 2-2

Determination of Building Height

Interpretations of State and Local Building Codes
1998 California Building Code: Chapter 2
Revision Date: July 1999

Page 1 of 3

The purpose of this building newsletter is to clarify how building height is determined based on current Building Code provisions and Proposition D provisions.

Other departments may determine building height in a different manner and should be consulted prior to designing a building. For information on determining building height based on Planning or Zoning requirements, contact Development and Permit Information of the Planning & Development Review Department at 446-5000.

I. Building Code Provisions

A. Section 209 of the Building Code defines the height of a building as follows:

Height of building is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior of the building.
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1. above is more than 10 feet above lowest grade.

Height of building in the case of a flat roof with a parapet or mansard-like projection is measured

to the highest point of the coping of the parapet or mansard-like projection.

The height of a stepped or terraced building for CBC provisions is the maximum height of any segment of the building.

B. It should be noted that the reference datum is found by first assuming a line 5 feet away from the exterior wall of the building or to the property line, whichever comes first. See Figure 1. The highest and lowest points within this 5-foot strip of land surrounding the building are then determined.

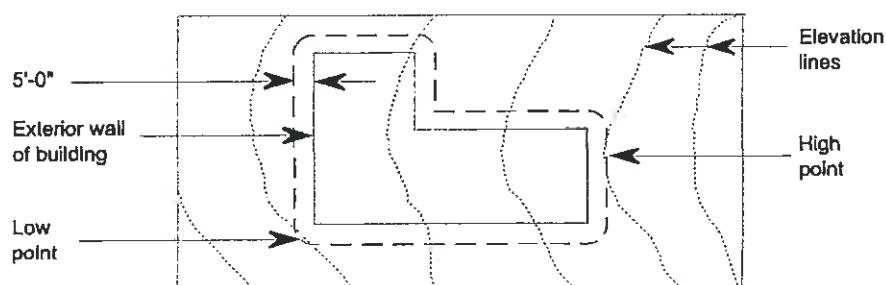
If the difference in elevation between these highest and lowest points is 10 feet or less, refer to Section I, Item A.1 above. If the difference is greater than 10 feet, refer to Section I, Item A.2. This is illustrated in Figures 2A and 2B, respectively. Figure 3 illustrates methods of measuring height for various roof types using both the CBC method and the Proposition D method which is discussed below.

II. Proposition D Provisions

A. For buildings located in the coastal area between the Pacific Ocean and Interstate 5, except that area bounded by National City on the south, San Diego Bay on the west, and Laurel Street on the southwesterly projection of Laurel Street on the north, the provisions of Proposition D shall apply.

B. Proposition D limits the height of buildings and structures to 30 feet. This height is measured to the highest point of the roof, equipment, or any vent, pipe, antenna or other projection. The base of measurement shall be in accordance with the 1970 Uniform Building Code which states:

Figure 1
Determination of reference datum



This height measurement is illustrated in Figures 4A and 4B. Note the difference in the height measurement as determined by the UBC and Proposition D. See also Building Newsletter 2-1 for a special case in determination of grade.

C. For Proposition D provisions the height of a stepped or terraced building is the overall height as shown in Figures 5A and 5B.

Figure 4
Building height in the Proposition D area

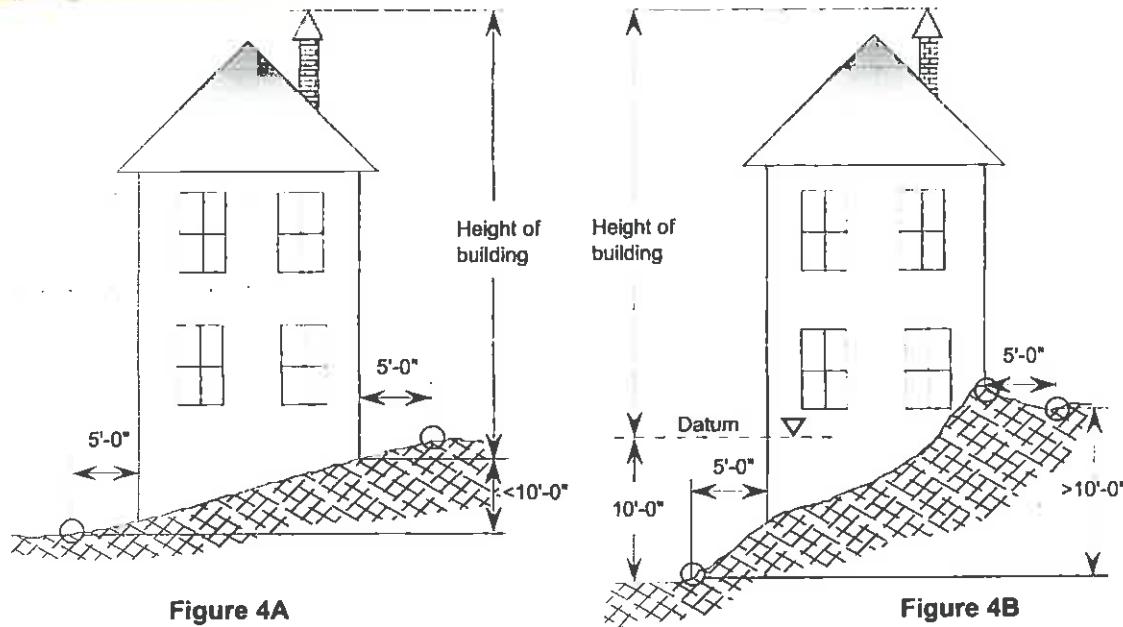


Figure 4A

Figure 4B

Figure 5
Building height of a stepped building in the Proposition D area

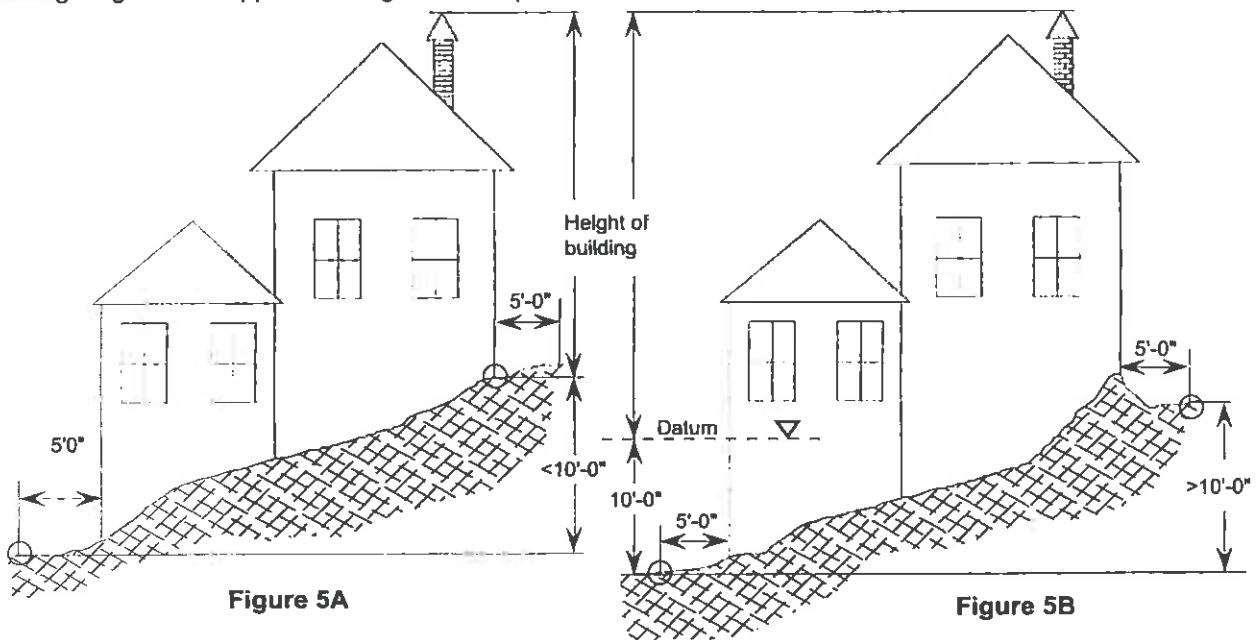


Figure 5A

Figure 5B